

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDWIN K. SLAUGHTER et al.,

Plaintiffs,

vs.

UPONOR, Inc. et al.,

Defendants.

2:08-cv-01223-RCJ-GWF

ORDER

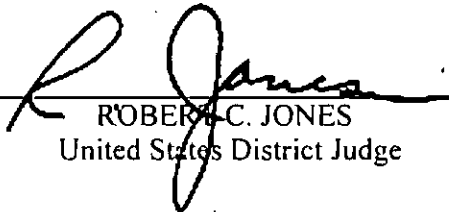
This class action arises out of the manufacture, marketing, distribution, and installation of allegedly defective plumbing components, which Plaintiffs allege caused harm, or threaten to cause harm, to their residences. Plaintiffs withdrew their motion for class certification and moved for voluntary dismissal without prejudice. The Court dismissed the case with prejudice. The Court of Appeals has reversed and remanded, instructing the Court to determine in the first instance: (1) whether the Plaintiff homeowners complied with the inspection requirements of Nevada Revised Statutes ("NRS") section 40.647(1)(a); and (2) whether Federal Rule of Civil Procedure 41 or NRS section 40.647(2) applies to a motion to voluntarily dismiss. The mandate has issued. Plaintiffs have filed a renewed motion to dismiss without prejudice addressing the issues identified by the Court of Appeals. Absent a stipulation to dismissal without prejudice by Defendants, the Court will consider that motion in the ordinary course. The Court of Appeals also instructed the Court to grant a previous motion to intervene for the purposes of appeal filed by certain homeowners. The Court will therefore vacate its previous order denying intervention and grant the motion to intervene.

1 **CONCLUSION**

2 IT IS HEREBY ORDERED that the Order (ECF No. 415) is VACATED in part and the
3 Motion to Intervene for Purposes of Appeal (ECF No. 357) is GRANTED.

4 IT IS SO ORDERED.

5 Dated this 11th day of May, 2012.

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7 ROBERT C. JONES
8 United States District Judge
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